



MEMORANDUM

To: Mayor and City Council

From: Michael McDonald, Assistant City Manager *MM*

Date: October 28, 2011

Subject: Occupy Austin and Use of City Hall

This is to advise you of some steps that we intend to take in response to current conditions in the public areas of our City Hall building and grounds resulting from the Occupy Austin event.

As you know, the City has a written building usage policy for City Hall. That policy designates certain areas – including the plaza area on Cesar Chavez, the amphitheater (concrete risers facing Cesar Chavez), and the mezzanine area at the top of the amphitheater – as public areas that are appropriate for free speech activities such as the Occupy Austin event. In the past Council has by resolution directed the amendment of the policy to designate other areas of City Hall as free speech areas. It is the City Manager's responsibility to administer our building usage policy in a manner that protects the City's property, ensures public health and safety, allows access to these public areas for all citizens, and respects the rights of the public to engage in free speech activities in these areas.

In light of conditions that presently exist in public areas of our City Hall property, we will be communicating with the event organizers and posting appropriate signage to clarify the usage rules for the plaza, amphitheater, and mezzanine areas going forward. These actions do not require any amendment to the current building usage policy.

1. The mezzanine area is not a sleeping area or a camping area. Individuals who set up sleeping bags, pallets, or other sleeping accommodations will be asked to remove these items immediately. Individuals found sleeping in the mezzanine area between 10:00 p.m. and 6:00 a.m. will be asked to vacate that area immediately. Sleeping – overnight sleeping for protest activities – will continue to be permitted on the concrete risers in the amphitheater area.
2. Unattended signs will be considered abandoned signs. Signs left for an extended period of time along the stone walls on Cesar Chavez or in other public areas that do not indicate clear ownership by an individual engaged in free speech activities at that time will be removed and discarded. We will not remove signs that are simply laid down

briefly, or signs that are clearly associated with an individual engaged in free speech activities at that time. But long rows of unattended signs along the streets surrounding City Hall will not be allowed to remain in place indefinitely.

3. Signs may not be stuck into the turf (grass) areas around the plaza, or in landscaped beds in any of the public areas. We have experienced damage to the turf, planting beds, and sprinkler system in several places, and need to take steps to preserve these areas from further damage.
4. Food tables are not permanent fixtures. Food preparation and service activities associated with the event may continue, but tables must be taken down and group food supplies put away between the hours of 10:00 p.m. and 6:00 a.m.
5. Margaret Hoffman Oak Park. The small triangular park across Cesar Chavez Street from City Hall Plaza is a city park. The park curfew of 10:00 p.m. to 5:00 a.m. is applicable to that area, and Park Rangers and the Austin Police Department will routinely patrol the park to seek compliance with the curfew provisions of the City Code.

Enforcement of these usage rules will be by warning and, if necessary, citation and arrest. To that end, we are posting signage in the mezzanine area about sleeping in that area, and have begun a 2-person APD patrol presence at City Hall on a 24/7 basis to ensure the protection of City property and the health and safety of all. At the same time, we remain in active and constructive dialogue with the Occupy Austin organizers, and will strive to achieve compliance with these and our existing usage rules without creating unnecessary confrontation or acrimony.

In addition to these usage rules for public areas of City Hall, we are also posting signage to clarify that the balcony areas outside the Council offices on the second floor and CMO on the third floor are not public areas appropriate for free speech activities. We will also continue the periodic cleaning of the entire plaza area each Sunday, Tuesday, and Thursday morning as we have in the past.

We believe these steps will enable us to be responsible stewards of City Hall while continuing to recognize the free speech rights of our citizens. Please contact me if you have any questions or if I can be of further assistance.

Xc: Marc A. Ott, City Manager
Assistant City Managers
Anthony Snipes, Chief of Staff
Leslie Browder, Chief Financial Officer
Greg Canally, Deputy Chief Financial Officer
Art Acevedo, Police Chief